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CHILD LABOR LEGISLATION AND ENFORCEMENT IN NEW ENGLAND AND THE MIDDLE STATES

By MRS. FLORENCE KELLEY,

Corresponding Secretary National Consumers' League, New York City.

It is, of course, impossible to deal thoroughly with the legislation and the enforcement of laws in the ten states which have the largest number of children at work. Yet such is my task, for the Middle States and New England have all those industries which call most insatiably for the work of boys and girls,—the textiles and needle-trades, tobacco manufacture, the glass trade, mining and retail commerce.

These states run the gamut from Delaware, where the first child labor law, enacted in 1905, is not yet in effect, to New York and Vermont with the most advanced legislation yet achieved.

Perhaps the simplest way to deal with these ten states may be to take them one by one with a few lines for each; after pointing out their position in the Census of 1900 with regard to illiteracy in children. In that year these states, when graded by the actual number of children found illiterate between the ages of ten and fourteen years, ranked as follows in the scale of fifty-two states and territories:

Rank.	States.	Number of Illiterate Children, 10-14 Years.
6	Vermont	287
12	Connecticut.....	436
14	New Hampshire.....	557
15	Rhode Island	691
18	Delaware.....	845
21	Maine.....	1,255
26	Massachusetts.....	1,547
31	New Jersey.....	2,069
35	New York.....	4,740
38	Pennsylvania	6,326
Total,		18,753

When graded according to the per cent. of children able to read and write the ten states rank as follows:

Rank.	States.	Per Cent. Able to Read and Write.
7	Connecticut	99.43
9	Massachusetts	99.33
14	New York	99.26
17	Vermont.....	99.05
20	Pennsylvania.....	98.99
21	New Jersey.....	98.81
24	New Hampshire	98.31
26	Rhode Island.....	98.12
28	Maine.....	97.92
32	Delaware.....	95.49

When graded in the scale of fifty-two states and territories according to the actual numbers of their illiterate children between ten and fourteen years of age in 1900, these states rank from Vermont (6) down to Pennsylvania (38). When graded according to the per cent. of children able to read and write at the same ages, in the same year, these ten states rank from Connecticut (7) down to Delaware (32).

In the light of these figures seven of these ten states have, during the five years since 1900, enacted new statutes dealing with child labor and compulsory school attendance, viz.: Vermont, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania and Delaware. Maine, Connecticut and New Hampshire keep their statutes as they were in 1900.

The new law of Delaware prohibits all employment of children under the age of fourteen years *in manufacture*, requires three months' school attendance of working children between fourteen and sixteen years, and restricts their working day to nine hours.

Next to Delaware, geographically and in certain other ways, is New Jersey. New Jersey prohibits the employment of children, *in manufacture*, to the age of fourteen years; and requires attendance at school to that age. While, however, a child under the age of fourteen years is thus protected, a boy or girl arriving on the fourteenth birthday from Syria, Armenia, Russia, Italy or any other foreign country, may go to work at once, although wholly illiterate. Such a child need prove no intelligence, no educational achievement, before proceeding to work in the glass works where boys are reg-

ularly employed two weeks by day and two weeks by night. Both boys and girls may work at night to the limit of fifty-five hours in one week.

Last January, the writer had occasion to visit the charming old town of Salem, N. J. In the glass works there were boys slight and delicate, markedly undersized if they were sixteen years of age, yet working regularly at night two weeks in every four. During that week, boys were imported from a so-called charitable employment agency to work in that glass works. Not long before, two boys were carrying bottles from the blower to the cooling oven when, being (as their fellow employee described the accident) "drunk with sleep," they collided and their burden of white hot glass was shivered in thousands of splinters. Some of these particles flew into the eye of one of the boys, destroying it. It was for work such as this that boys were imported. No law is violated when these boys work at night; or when others are imported to work as they work. Ultimately, work in glass factories will doubtless be prohibited as a dangerous trade for all boys under the age of sixteen years. But none of the ten states under discussion so treats it at the present time.

It is one of the unfortunate episodes of the long and widespread campaign for legislation protecting the working children, that while the New Jersey law was amended in 1903 to raise the age of working boys from twelve to fourteen years, the excellent older law was repealed in 1904, which had, since March, 1892, prohibited the employment of women and minors under eighteen years of age after six o'clock at night and after noon on Saturday, in all manufacture except that of glass, canned goods and preserves of perishable fruit.

The law is enforced by truant officers who *may* be appointed by the different communities, locally, and by factory inspectors who are state officers. The improved efficiency of the factory inspectors is indicated by a conspicuous increase in the number of successful prosecutions of employers who have violated the law during the past two years.

Next to New Jersey, geographically and in certain other ways, comes Pennsylvania. This state has, on a large scale, all the industries which call for the labor of children,—mining, tobacco manufacture, textiles and needle-trades, glass works and retail commerce. It is thus not accidental that the number of children at work under

the age of sixteen years is larger, by some thousands, in this state than in any other, or that the opposition of employers to legislation for the effective restriction of the employment of boys and girls is more stubborn and more effective here than elsewhere in the North.

Pennsylvania has recognized the existence of dangerous trades in which children must not be employed, by providing that boys under sixteen years of age shall not work underground in mines. But this is the sole ground upon which the second of the great manufacturing states may justly claim distinction in the matter of protecting its working children.

Hitherto, Pennsylvania has permitted boys and girls alike to work at the age of thirteen years, provided that they could read and write. Moreover, this requirement frequently meant merely an ineffectual effort to scrawl the name of the candidate for work. And those who may work at all, may work at night, usage sanctioning such work increasingly in the mills in the anthracite region.

Should the bill now awaiting the signature of the governor become a law, Pennsylvania will take her place among the states which prohibit work in manufacture and commerce to the age of fourteen years, providing effectively for proof that the child is really of the age alleged. Night work will, however, be merely somewhat restricted, not prohibited.

The child labor laws of New York are in some respects the most advanced of all the laws on this subject to be found in the republic. They are excelled only by the provisions of the statutes of Illinois and Vermont prohibiting the employment of children under the age of sixteen years, longer than eight hours in one day and forty-eight hours in one week, and after seven o'clock in the evening; and by the kindred provision of the statute of Ohio prohibiting the work in manufacture and commerce of girls under eighteen years and boys under sixteen years after six o'clock in the evening; and, finally, by the specific enumeration in Illinois and Ohio of a long list of forbidden occupations dangerous to life, limbs, health and morals.

Yet, with this pre-eminent position among the states, it was still possible for a little lad fourteen years of age to perish in New York City of privation and exhaustion within a few weeks,—starvation his physician called it,—while striving to support himself, his mother and a younger child by his exertions as newsboy. It was

perfectly legal for him to work until any hour of the night, to begin at any hour of the morning, because he was fourteen years old, while the statute merely requires that children shall not begin under the age of ten years to sell papers; must wear a badge to the age of fourteen years and, between ten and fourteen years, must not work after ten o'clock at night. To the street children and those engaged in retail stores our New York laws are still cruel in that they permit work until this late hour, for children ten to fourteen years old as newsboys; for children fourteen to sixteen in stores, as messengers, etc.

A few evenings before Christmas, two members of the Consumers' League visited leading department stores in New York and found in one a large number of small girls working after ten o'clock in violation of the law. If the children fourteen to sixteen years of age had stopped at ten o'clock there would have been no violation; but they worked twenty minutes longer.

A farther serious defect in the child labor law of New York is the toleration of home work in the tenements. So long as this continues, there will always be defective enforcement of the prohibition of the work of young children. This is exemplified in the experience of a family known to the writer who make paper bags in their cellar dwelling in the Lower East Side of New York City. Their father died four years ago, leaving Ephraim, Hyman, Sam, Jakey and Louis, besides a baby girl. Ephraim, who was eleven years old, had gone to school long enough to reach the second primary grade. None of the others had ever gone to school before the father died and none of them has ever gone to school or to a kindergarten since his death. How have they escaped the truant officer all these years? By staying in their basement in the rear of their tenement house, making paper bags with their mother. If they had been playing in the street, they might have been caught in some of the raids of the truant officers. If they had been working in a factory or a regular workshop, they would have been turned over to a truant officer by the factory inspector. But how could a truant officer guess four years ago, or at any time since then, that six children had become a part of the sweating system? Or that they were continuing to do so to the present time when the eldest, at the age of fifteen and a half years, has forgotten the slight acquaintance with the alphabet which he contracted when he sometimes attended

the second primary grade? The only possible remedy for this odious form of child labor lies in the sweeping prohibition of manufacture in the tenement houses. This transfer of work from the family living room to the factory open to inspection is the most urgent need of the working children of New York to-day.

Aside from these defects, the characteristic excellence of the laws of New York is the effective manner in which they interlock the provisions requiring school attendance and restricting the employment of children under the age of sixteen years. To the fourteenth birthday, all children must be at school. Between fourteen and sixteen they must all be at school or at work. After the fourteenth birthday, before beginning to work in a factory or workshop, store, office or as messenger or delivery boy, a child must prove its age by means of a passport, a birth record or a religious record. He must also file with the Board of Health a signed statement of the principal of his school, showing that he has attended school one hundred and thirty days since the thirteenth birthday, receiving instruction in reading, writing, English grammar, geography and arithmetic "up to and including fractions." Finally, the physician who grants the certificate under which the child may begin work, must himself sign and file the statement that, in his opinion, the child is "of the normal stature of a child of his age, and in good health."

The final veto upon the immediate entrance of a child upon his life of work rests with the examining physician of the local Board of Health who, after receiving the school record and the proof of age, after satisfying himself that the boy or girl can read fluently and write legibly, and can do sums in fractions, may still say to the candidate for working papers, "You are not up to the physical standard. I do not consider you of the normal stature of a child of fourteen years of age," and may refuse to issue the certificate.

This advantage New York has over all the states. It is a sorrowful thing that in all our enlightened republic, only one state should have gone so far as that.

It is fitting that the law of New York should be more rigid than that of many other states by reason of the vast immigration of foreign peoples to its manufacturing centers. No other state receives so large a share of the total immigration as New York. No other working people are subject to such pressure of competition

from these newcomers as the wage-earners of New York. It is doing little to protect the people already here, when illiterate, or undersized, children are kept in school until they have completed that portion of the curriculum of the public schools which would normally be covered by a child of twelve years who had entered school at the age of six years and made all its promotions without interruption or failure.

On the other hand, no other employers have such opportunities to find, ready at hand, every grade of labor, as have those of New York. New York has been well described as having an "inflowing labor market." No employers in the world can better afford to acquiesce in the retention of all the children in school until a certain fixed share of the work of education has been completed than the employers in New York.

Most of all do the children of the enormous army of incoming immigrants direly need the protection of such a legal minimum of stature and of education as the new laws of New York guarantee them, if they are to hold their own in the competitive struggle for industrial existence, and to become safe and useful citizens.

An unforeseen advantage of the new laws is the effect which they are producing upon the schools. The enforcement of the required minimum of tuition has brought to light the fact that many thousand children are reaching the age of fourteen years without achieving this modest share of the curriculum.

The reasons for the belated state of thousands of children are receiving a degree of attention never bestowed upon them. Are the children mentally defective? Obviously this cannot explain the plight of thousands! Have they been badly taught? Are the classes overcrowded, the teachers insufficiently skilful? Are the children undernourished so that they cannot learn? The Board of Education of New York City has made suggestive experiments with special classes of two different kinds, one intended to bring forward bright children of foreign birth who merely need coaching in the English language, the other kind intended to eliminate from the ordinary class those children who are conspicuously unfit for physical or mental reasons to keep up with the normal children, thus freeing the regular teachers from this burden, and giving the backward children the benefit of specialized care. These experiments will need to be carried out on a large scale for a considerable time before

it will be possible to judge what farther comprehensive steps are indispensable for bringing up the belated children. Meanwhile the schools are subjected to an automatic test of their efficiency by the simple device of being required to get the children up to the normal work of a healthy, intelligent, regularly attending child of the age of twelve years, on pain of keeping the child in school to the sixteenth birthday.

Down to the year 1890, Massachusetts was far in advance of the other states in the matter of the care of the children. Since that year several states have been reducing the per cent. of illiteracy among children more rapidly; and more than one has also excelled Massachusetts in the enactment of provisions restricting child labor.

The legislature of Massachusetts has recently enacted a new law which provides that a child must have a certificate from the school committee setting forth ability to read and write, before it can legally begin to work. The need for this measure was brought to light in a striking manner by a city missionary in one of the cotton mill towns of the state, who found two little Syrian boys working in a cotton mill who seemed to be less than twelve years of age. On inquiring as to the evidence of their age, the missionary found certificates filed according to the letter of the law, bearing the seal of the community in Syria from which they had come. Holding these against the light the missionary saw that the paper upon which they were inscribed bore the Holyoke water mark. They had been written and sealed with the seal of his native place, by a Syrian priest living in Massachusetts, who had thus obligingly furnished all the birth-records needed to enable small Syrian boys, in his part of the state, to go to work at any age at which the employer could find them of use.

Such evasions of the law become impossible when the child must convince a responsible physician of the local Board of Health that it is able to read fluently and write legibly simple sentences in the English language; and has attended school a certain number of days since the thirteenth birthday, being instructed during this time in arithmetic "up to and including fractions," and is of the normal stature of a child of its age and in good health.

By the adoption of a new statute in 1904, Vermont has come into the forefront of the states in her care for her children. Until last October, children could legally begin to work in the mills at

the age of ten years, during the vacation of the public schools, if able to read the English language.

Since the enactment of the law of 1904, they must attend school to the fifteenth birthday one hundred and sixty days in each year; and although they may work eight hours a day during the vacations of the public schools, after the twelfth birthday, they must first be able to read and write in the English language. Moreover, the restriction of the hours of the children to eight in one day makes them undesirable employees in cotton mills, so that there is not likely to be much use of vacation labor. To the age of sixteen years, they cannot legally work longer than eight hours in one day or after seven o'clock at night, or before seven o'clock in the morning. While Vermont has little manufacture and less commerce, with no mines, glass works, or tobacco, her textile industries, scattered in many cases in small and remote communities have found uses for many young workers; and many immigrant children have, in recent times, suffered the bitter experience of isolation with its accompanying defective enforcement of the compulsory education law, and the absence of a protecting factory inspector.

The State of Rhode Island has enacted, during 1905, a statute which permits the continued employment, for the remainder of the present year, of all those children to whom certificates have hitherto been granted, even though these children may now be only twelve years of age. Before January 1, 1907, all other children employed in manufacture must have certificates showing that they are thirteen years of age; and after January 1st, 1907, they will be required to prove that they are fourteen years of age. Work is prohibited after eight o'clock at night and before six o'clock in the morning for those under sixteen years, but no maximum number of hours is stipulated, unless it may turn out that a section of a law of 1899 remains in force, which restricted the hours of women and minors to ten in one day and fifty-eight in one week. In any case, the new law permits children to work without restriction in stores on Saturday evenings and during the four days immediately preceding Christmas in each year.

There is no requirement that children must be able to read and write in English or in any other language.

It is difficult to see how the law could have been amended to do less in the way of protecting children from premature work.

All those who are already at work under the age of fourteen years will be permitted to remain in the mills until they reach that age before the new law becomes operative.

The states which have taken no steps in the direction of more rigid child labor legislation or more effective compulsory attendance laws, since 1900, are Connecticut, Maine and New Hampshire. The children of these three states are happy in the absence of mines, glass works and highly developed retail commerce. But in all three states, the textile mills have called for young children, and the struggle for effective compulsory school attendance has been a long and varyingly successful one.

Connecticut feels apparently no urgent need of improvement in its old established laws. Its industries are chiefly of a character which enable men to support their families, and do not call for the work of children. The compulsory education laws are enforced by state officers who have performed their duties through a series of years with credit to the state and benefit to the children.

Favorable industrial conditions and laws, old established, wisely conceived and persistently enforced, have combined to place Connecticut first among the New England and Middle States when graded according to the ability of the children between ten and fourteen years of age to read and write. Only Nebraska, Iowa, Oregon, Ohio, Kansas and Indiana have a larger per cent. of children of these ages able to read and write than has Connecticut.

Although Maine shares with New Hampshire, Connecticut and Vermont, the characteristic absence of mines, glass works and highly developed retail trade (of the kind which absorbs child labor on a large scale) and is free, like them, from the sweating system, it seems to need farther legislation for the protection of its children. Maine fell in the scale of the states, from the eighteenth place in 1890 to the twenty-eighth place in 1900, when measured by the per cent. of children between the ages of ten and fourteen years who were able to read and write. Its actual number of illiterate children of these ages was 1,255 in 1900.

In the vacations of the public schools, children may work at the age of twelve years, ten hours a day and sixty hours a week. There is a factory inspector with deputies; and for violation of the provision that children must attend school to the age of fifteen years, school committees or superintendents are required to report

offenders to the county attorney, whose duty it is to prosecute therefor, the fine being not more than fifty dollars nor less than twenty-five dollars. Both parents and employers are punishable.

New Hampshire, also, fell in the scale of the states when graded according to the per cent. of the children between ten and fourteen years of age able to read and write, from the twenty-second position in 1890, to the twenty-fourth position in 1900. The actual number of illiterate children of these ages was 557. New Hampshire permits children to work in factories at the age of twelve years during the vacations of the public schools, requiring attendance at school throughout the full school year to the age of fourteen years for all children, and to the age of sixteen years for those who are illiterate. There is no state factory inspector.

This brief statement of some salient features of the laws in the ten states under discussion indicates the wide and far-reaching inequalities of protection for children along the northern Atlantic seaboard. Indeed, this inequality is the most conspicuous feature of the present situation.

The effectiveness of the enforcement varies as widely. As soon as a law is placed upon the statute book, some people obey it because it is the law, irrespective of inspectors and penalties. Other employers obey such a statute by reason of the pressure of the great insurance companies. In case of accidents which give rise to suits for damages, the position of the employer is distinctly unfavorable if it can be shown that he has failed to comply with all the requirements of the child labor laws. These two influences are very commonly overlooked in the discussion of the value of child labor legislation, with or without the appointment of officers for purposes of enforcement. Yet these are the only influences which operate throughout the ten states here under consideration uniformly to promote obedience to the law and protection for the children.